

# Outside Work Policy

## Section 1 - Background and Purpose

- (1) This Policy and Procedure provides a framework for full time La Trobe University staff undertaking outside work whilst maintaining their obligations to the University.
- (2) La Trobe University staff members are encouraged to maintain and improve their standing by undertaking a variety of work that involves their special talents and training.
- (3) As the conduct of outside work may affect the University's interests, the University regulates the outside work undertaken by its staff members.
- (4) Staff members are encouraged to undertake work through La Trobe Consulting, in which case the work is subject to the La Trobe Consulting Policy and Procedures.
- (5) Outside work is work performed by a staff member in their personal capacity outside their contract of employment with the University.

## Section 2 - Scope

- (6) Applies to:
  - a. all La Trobe University campuses;
  - b. all Full time La Trobe University staff members.

## Section 3 - Policy Statement

- (7) Outside work is work performed by a staff member in their personal capacity outside their contract of employment with the University.
- (8) Outside work regardless of whether payment is involved requires prior approval by a delegate in accordance with these Procedures.
- (9) Outside work does not include duties and requirements that are part of a staff member's substantive role. When outside work is performed through La Trobe Consulting, the work falls under the [La Trobe Consulting Policy](#).
- (10) Staff members engaged in outside work must:
  - a. manage any possible conflict of interest and intellectual property following the [Conflicts of Interest Policy](#) and the [Intellectual Property Statute](#), and the associated policy and procedures;
  - b. ensure the work does not inhibit or detract from the standards of performance of duties for the University;
  - c. advise third parties for whom such work is undertaken that it is not being undertaken on behalf of the University.

(11) If outside work is undertaken, such work is not covered by any University insurances and:

- a. the staff member must not use any University facilities or the services of any University support staff unless written approval is given by the University;
- b. the staff member cannot undertake outside work that involves work for the University;
- c. the outside work must not consist of design or delivery of courses for another higher education institution; and
- d. the proceeds must not be deposited with the University.

(12) Outside work is restricted to the following circumstances:

- a. all staff members who are full-time may engage in outside work up to the paid external work cap, with delegate approval in writing, or above the paid external work cap if the delegate has agreed in writing and the Senior Deputy Vice-Chancellor (Research and Industry Engagement) has agreed in writing that the outside work is not against the interests of the University.

## **Section 4 - Procedure**

### **Part A - Declaration of Proposed Outside Work**

(13) Staff members proposing to engage in any outside work, whether for payment or not, must provide the delegate with a completed and signed Application for approval to engage in personal outside work at least fourteen (14) days before the outside work is proposed to commence or sooner by agreement with the delegate.

### **Part B - Approval of Outside Work by a Delegate**

(14) Delegates may approve proposals to undertake outside work, subject to Part C of these Procedures ('Approval by the Deputy Vice-Chancellor and Vice President (Research)').

(15) Delegates may approve if and only if:

- a. they are in possession of a completed and signed Declaration
- b. they are satisfied that the Declaration is true and complete
- c. the outside work is not against the interests of the University

(16) Delegates have the discretion to withhold approval if:

- a. a staff member proposing to undertake outside work fails to lodge a Declaration fourteen (14) days before the work is proposed to commence, unless otherwise agreed by the delegate
- b. the Delegate believes that there is a risk that the proposed work may interfere with the staff member's ability to perform their University duties.

(17) Delegates may stipulate reasonable conditions as part of any approval.

(18) Delegates must complete the delegate's section of the Declaration to record any decisions, provide reasons and stipulate any conditions.

(19) Delegates must communicate any decisions at least seven (7) days before the date on which the work is proposed to commence in writing to the staff member making the proposal, or sooner by agreement with the delegate.

## **Part C - Approval by the Senior Deputy Vice-Chancellor (Research and Industry Engagement)**

(20) The approval of the Senior Deputy Vice-Chancellor (Research and Industry Engagement), or their nominated approved delegate, is required where the paid external work cap would be exceeded.

(21) The Senior Deputy Vice-Chancellor (Research and Industry Engagement), or their nominated approved delegate, may approve proposals to undertake outside work if and only if:

- a. the appropriate delegate has approved in accordance with Part B of these Procedures; and
- b. the Senior Deputy Vice-Chancellor (Research and Industry Engagement), or their nominated approved delegate is satisfied that the proposed outside work is not against the interests of the University.

## **Part D - Register of Outside Work**

(22) Deans and Heads of Administrative Divisions are responsible for ensuring that a register is kept of all approved outside work undertaken by staff members in their School or Division in the form of a Personal outside work annual return (Register).

(23) Each Declaration is to be kept by the staff member as a hardcopy.

(24) Each Declaration is to be kept by the School or Administrative Division as a hardcopy and in the payroll personnel file, which is held in confidence.

(25) In addition, the School or Administrative Division must keep a Register for reporting purposes.

(26) On request, a staff member must be provided with an extract from the Register showing details of outside work approved for that staff member.

(27) Deans and Heads of Administrative Divisions are responsible for ensuring that a Register and each Declaration is stored within the University's records management system.

## **Part E - Exclusion of University Service**

(28) University service forms part of a staff member's workload allocation and requires approval from the staff member's Supervisor as part of Career Success. It therefore does not require prior approval by a Delegate.

(29) Proposals to undertake service by an academic staff member that does not fall within University Service but which the staff member believes should properly be regarded as University Service, should be referred to the Delegate for a determination.

## **Section 5 - Definitions**

(30) For the purpose of this Policy and Procedure:

- a. Consultancy: services or duties performed by a staff member through La Trobe Consulting. Consultancy work is over and above the staff member's workload allocation and/or University duties unless otherwise agreed but does not include research.
- b. Consultancy signing delegation: the Instrument of Delegation No. 5 of 2014, approved by Academic Council (see [intranet.latrobe.edu.au/strategy-management/delegations](http://intranet.latrobe.edu.au/strategy-management/delegations)) or as amended or replaced from time to time.
- c. Delegate: Deans or Administrative Division of the staff member, or a person to whom they have delegated a

responsibility under this policy in writing.

- d. Full-time, part-time or casual staff members: as defined in the [La Trobe University Collective Agreement 2018](#), available on the La Trobe intranet.
- e. La Trobe Consulting — an administrative function of the Consulting and Contracts Team in the University Research Office, through which a staff member may perform work with the consent of the University for an external organisation or individual on behalf of the University on a commercial basis for an agreed cost. See the [La Trobe Consulting Policy](#).
- f. Outside work: is work performed by a staff member in their personal capacity outside their contract of employment with the University.
- g. Paid External Work Cap: entailing in aggregate a maximum time commitment of five (5) working days in any month or 48 working days in any calendar year.
- h. Research: as defined in the Commonwealth's Higher Education Research Data Collection specifications as amended from time to time.
- i. Staff member: any employee of the University.
- j. University service: University service forms part of a staff member's workload allocation and requires approval from the staff member's Supervisor as part of Career Success. It therefore does not require prior approval by a Delegate and may include the following activities or types of activities:
  - i. committee participation;
  - ii. organising and/or attending meetings, forums, seminars etc;
  - iii. consultancy;
  - iv. community service;
  - v. industry liaison and grant funding applications;
  - vi. leadership;
  - vii. management and administration;
  - viii. internal and external professional work;
  - ix. occasional lectures for other institutions (but not courses of lectures);
  - x. examining higher degree theses;
  - xi. reviewing papers or books;
  - xii. editorial work for an academic journal;
  - xiii. participating in or organising academic conferences;
  - xiv. assessing grant applications;
  - xv. service of up to the equivalent of ten days per year on boards or committees (other than boards or committees of companies);
  - xvi. occasional newspaper articles or other media contributions;
  - xvii. writing scholarly works, whether commissioned or non-commissioned.

## Status and Details

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